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To: Microsoft ATR
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Subject: May it Please the Court

Renata -

The settlement outlined is wholly inadequate. It stipulates behavioral remedies going forward, but addresses no punitive damages whatsoever for Microsoft's continuing illegal actions since the 1995 consent decree. Why?

In addition, the terminology 'middleware' is used in such a vague manner, as to render the agreement virtually unenforceable. Microsoft's clear violation(s) of the Sherman Anti-trust law are no less significant than the Teapot Dome scandal of the 1800's in U.S. history.

Clearly, there can be no question as to Microsoft's guilt, and the government's desire to 'close the book' on this action; based in part on publicized statements that indicated it was 'in the best interest of the country and the technology sector', is nothing more than partisan politics. Frankly, to use the events of 9/11 and other current events occurring around the world as a substantive 'reason' to end this action makes me ill to my stomach.

I wonder, if the government compiled a list of 'industry standards' bodies that have been formed over the last 20 years, and analyzed Microsoft's commitment to those, what they would find?

As a contributing member to several of those organizations, I can speak from experience, Microsoft only contributed to Standards Bodies (that would've produced cheaper, more compatible software that would run on any operating system, regardless of hardware ...) when it saw an opportunity to influence peddle it's proprietary view of software and operating systems. IN ALMOST EVERY CASE WHERE A STANDARDS BODY MOVED TO CREATE A TRULY MULTI-NATIONAL, MULTI-PLATFORM INTEROPERABLE SET OF SOFTWARE DEVELOPMENT STANDARDS, EITHER MICROSOFT VOWED TO CREATE THEIR OWN STANDARD OR DETERMINED WAYS IN WHICH THEY COULD USE THEIR "FUD" STRATEGY (Fear, Uncertainty and Doubt) to undermine the effort. In essence, their actions, as noted in the Consent decree of 1995, were in direct violation of the Sherman Anti-trust Law.

How then, do we determine as a country, through our 'duly' elected officials, that those activities haven't harmed consumers, sufficient to warrant some form of punitive damages? While the rest of the technology industry was attempting to create the '110V' standard connectivity for software, Microsoft was publicly proclaiming that it ALONE had the power to dictate what standard the rest of the country (and the world) would use for connecting software between computers, operating systems and all manner of digital devices?

Did this fact escape the DOJ in their reasoning process? In my view, the ONLY recourse is to :

1. Break the company into (2) or more distinct operating companies, and require that all Microsoft Office tools source code be auctioned to a top 20 international s/w company, for the express purpose of porting it to alternate operating systems.
2. In addition, all source code for the Internet Explorer Browser needs to go the same route.
3. All Microsoft Operating System interfaces (API's) and source code must be placed in the public domain.
4. Future Operating System enhancements must pass muster with an Industry Consortium, comprised of a cross-section of senior leaders in the IT industry, not just so-called 'Microsoft enemies'
5. Marketing/Sales activities should be monitored by a 'DOJ' oversight committee, similar in concept to the proposed 'governance' body.
6. Microsoft should not be allowed to 'buy' or 'invest' in early stage technology companies until a pre-determined 'moratorium' period has expired, based on the execution date of the amended agreement.

The basic principles of these sanctions will yield significant benefits immediately in 'stimulating' innovation in the technology sector, by forcing more competition and providing investors, consumers and early stage startup companies COMPLETE confidence that the technology that they build/buy, will ultimately be compatible with ANY Web Browser and/or operating system. Companies can then be FREE to compete on the basis of WHO they sell to, WHAT clearly distinguishes their product from the competition with the confidence that they won't suffer repercussions from MS.

Has it gone without notice that the rest of the computing world (specifically, Europe and Asia) have similiar views of Microsoft's exclusionary practices?

If Mr. Gates wants to run his business in this country, and remain a citizen of this country, perhaps he should consider the protection he receives from our laws ... laws that he has knowingly violated.

If he can't manage his company by those laws, then we should gladly hand him his pink slip, and send him, his company and anyone who works for him, on their merry way to whatever country would like their tax dollars. My sense of it is, this country is much bigger than just Microsoft, and aspires to a higher level of ethics and standards, than those practiced by Mr. Gate's staff. We will do just fine as a country and/or an industry with or without Microsoft and their tax dollars and jobs.

I've been following this case, and this company, for many years. I'm a 25 year veteran of the Computer industry, and I think it time that we as a country (and as a Justice Department), finally stood up to Microsoft and deliver the judgement that has been long overdue.

A concerned, informed Technology citizen.